

REMARKS

In the Office Action the Examiner noted that claims 1-8 and 10-12 are pending in the application. The Examiner allowed claims 1-6, rejected claims 7, 8, and 12, and objected to claims 10 and 11. The Examiner's rejections are traversed below, and reconsideration of all rejected claims is respectfully requested.

Request For Withdrawal Of Finality Of Office Action and Issuance Of Corrected Office Action

In the Office Action Summary, the Examiner indicates that the Office Action is FINAL. However, MPEP 706.06(a) states:

Under present practice, second or any subsequent actions on the merits shall be final, except where the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p).

Therefore, it is improper to make the second or any subsequent actions final when the Examiner introduces a new ground of rejection that is not necessitated by the Applicant's Amendment. The Examiner states in item 6 on page 4 of the Office Action that "claims 7-8 and 12 are rejected upon further consideration, a new ground(s) of rejection is made as the reason set forth in the 103(a) Rejection in this Office Action." However, these new grounds of rejection were not necessitated by the Applicant's Amendment of claim 7.

In the Office Action mailed November 7, 2003, the Examiner rejected claim 7 under 35 U.S.C. §102(a) as being anticipated by Applicant Admitted Prior Art (AAPA). In the Amendment filed on February 6, 2004, the Applicant argued that AAPA did not disclose the features recited in independent claim 7, and the Examiner stated in the current Office Action that the Applicant's arguments were persuasive.

The Examiner then changed the grounds of rejection of claim 7 to a §103(a) obviousness rejection. While claim 7 had been amended in the Office Action filed on February 6, 2004, the amendment merely incorporated the feature of cancelled claim 9 into claim 7. The feature of cancelled claim 9 was not the basis of the Applicant's argument regarding the §102(a) rejection of the previous Office Action, nor was it added to claim 7 to overcome the §102(a) rejection. In fact, original claim 9 was also rejected in the same §102(a) rejection of the previous Office Action, and, as original claim 9 depended from original claim 7, all of the features of the presently presented claim 7 were rejected under the §102(a) rejection grounds. Therefore, the

amendment which added the feature of original claim 9 to claim 7 could not have necessitated the different grounds of rejection of the current Office Action.

Thus, the amendment of claim 7 did not necessitate the new grounds of rejection presented by the Examiner, and the Office Action should therefore not be made final. Therefore, it is respectfully requested that the Examiner both withdraw the finality of the Office Action mailed April 19, 2004, and issue a corrected non-Final Office Action ("If, on request by applicant for reconsideration, the primary examiner finds the final rejection to have been premature, he or she should withdraw the finality of the rejection." MPEP 706.07(d))

Claim Rejections Under 35 USC §103

In item 2 on pages 2-3 of the Office Action the Examiner rejected claims 7, 8, and 12 under 35 U.S.C. §103(a) as being unpatentable over AAPA.

Claim 7 of the present application recites:

An organic EL display control system, comprising:
a display panel including a segment terminal and a common terminal, the segment terminal connected to data lines, the common terminal connected to scan lines arranged in a perpendicular direction to the data lines; and
a driver controller having a display RAM storing data and outputting the data from the display RAM in the same direction as a longitudinal direction of the scan lines;
wherein a line length between the common terminal and the driver controller is shorter than that between the segment terminal and the driver controller.

Therefore, the data is output "from the display RAM in the same direction as a longitudinal direction of the scan lines; wherein a line length between the common terminal and the driver controller is shorter than that between the segment terminal and the driver controller."

The Examiner states that AAPA discloses "in Fig. 1 the display panel including a segment terminal connect to the data lines, the common terminal connected to the scan lines and arranged in a perpendicular direction of the data lines; that the driver controller having RAM 23 storing data and outputting the data from the display RAM in the same direction as a longitudinal direction of the scan lines (page 2, [0003]-[0004])." The Examiner goes on to state that "[a]bsent a showing of critically and/or unexpected result, it would have been obvious to one of ordinary skill in the art to resize the line between the common terminal and the driver control terminal to make it shorter than that of between the segment terminal and the driver controller." The Applicant respectfully disagrees with this assertion.

The change to AAPA shown in Fig. 1 that the Examiner refers to as obvious, namely to

“resize the line between the common terminal and the driver control terminal to make it shorter than that of between the segment terminal and the driver controller,” cannot be achieved by simply “resizing” the line. In order to make the line between the common terminal and the driver control shorter, the display panel would have to be rearranged so that the common terminal would be closer to the driver controller than the segment terminal. This would leave the segment terminal, which accordingly has to be on a side of the display panel that is adjacent to the side on which the common terminal is located, on a vertical side of the display panel as shown in Fig. 2. Once the display panel is oriented in this manner, as shown in Fig. 2, the data is no longer output “in the same direction as a longitudinal direction of the scan lines,” as recited in claim 7 of the present application. As a matter of fact, making the change that the Examiner states as obvious results in AAPA of Fig. 2, which is one problem of AAPA that is overcome by the present application.

In other words, making the modification that the Examiner cites as obvious, which would accordingly overcome the deficiency of Fig. 1 of AAPA regarding claim 7, would in turn create another deficiency in the features cited in claim 7. Namely, the deficiency created by the modification is the deficiency as shown in Fig. 2 of AAPA, in which the data is no longer output “in the same direction as a longitudinal direction of the scan lines.”

Thus, the modification suggested by the Examiner as obvious does not cure the deficiencies of AAPA in regard to claim 7 of the present application. Further, as the modification would not cure the aforementioned deficiencies, there is no motivation to make the modification suggested by the Examiner.

Therefore, it is respectfully submitted that claim 7 patentably distinguishes over AAPA, and withdrawal of the §103(a) rejection is earnestly solicited.

Claims 8 and 12 depend from claim 7 and include all of the features of that claim plus additional features which are not taught or suggested by AAPA. Therefore, it is respectfully submitted that claims 8 and 12 also patentably distinguish over AAPA.

Claim Objections

In item 5 of the Office Action the Examiner objected to claims 10 and 11 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As presented above, claim 7 patentably distinguishes over AAPA. Further, claims 10

and 11 depend from claim 7 and include all of the features of that claim plus additional features which are not taught or suggested by AAPA. Therefore, it is respectfully submitted that claims 10 and 11 also patentably distinguish over AAPA.

Summary

There being no further outstanding objections or rejections, it is respectfully submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

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07/14/04

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